

Decision 04-01-022 January 8, 2004

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of L. A. Top Shuttle, Inc., dba Shuttle One, to modify its passenger stage certificate to permit scheduled service between hotels in and around Buena Park and Anaheim, California, on the one hand, and on the other Los Angeles International Airport (LAX).

Application 03-08-011
(Filed August 14, 2003)

O P I N I O N

Summary

This decision grants the application of L. A. Top Shuttle, Inc. (Applicant), a corporation, pursuant to Pub. Util. Code § 1031 et seq., to extend its certificate of public convenience and necessity to operate as a passenger stage corporation (PSC), as defined in Pub. Util. Code § 226.

Discussion

Applicant is currently authorized, pursuant to Decision (D.) 90-04-014 and D.90-06-040, to operate as a PSC to transport passengers and their baggage on an on-call basis between certain points in Los Angeles, Orange, Ventura, Riverside, and San Bernardino Counties, on the one hand, and Los Angeles International (LAX), Burbank (BUR), Long Beach (LGB), and John Wayne (SNA) Airports, on the other hand; and on an "on-call scheduled" basis between hotels in downtown Los Angeles and LAX.

The Application, as amended by letter of November 26, 2003, requests authority to provide scheduled PSC service between hotels in and around Buena

Park and Anaheim,¹ on the one hand, and LAX, on the other hand. Applicant proposes to operate on average once each hour between 5:00 a.m. and 1:00 a.m. It will designate not less than three points in its timetable on file with the Commission where its buses will stop on every trip. Other points will be designated as "flag stops" where the vehicles will stop only when there has been a request for service. Applicant advises that it will be in constant contact by two-way radio with each of the hotels it will serve. It believes the public will benefit from having regularly scheduled service along an established route with explicitly identified stops. The proposed fare is \$14.00 per person.

In Application 01-11-048, Applicant requested authority to provide scheduled service on more than 10 routes over an extensive territory. That application, which was protested by two parties, was denied by D.02-12-037. Reasons for the denial included Applicant's failure to establish financial ability to initiate an operation that in its own estimation would require 22-25 buses and 56 employees.

In the current application, which is uncontested, Applicant has reduced the scope of the additional authority it is seeking to only one route. Its amended balance sheet, dated July 31, 2003, discloses assets of \$100,868, liabilities of \$48,449, and equity of \$52,419. The assets include cash deposits of \$64,365. Applicant's sole owner has pledged to provide such funds as may be necessary to initiate and operate the proposed service. He has already deposited \$35,000 of

¹ Most of the hotels Applicant proposes to serve are within the corporate limits of Anaheim and Buena Park. Three hotels, however, are just outside the Anaheim limits in Garden Grove.

his personal funds with Nation Bus Corporation for the purchase of three new vehicles.

Notice of filing of the application appeared in the Commission's Daily Calendar on August 18, 2003. Applicant notified the affected cities and transit agencies. In Resolution ALJ 176-3117 dated August 21, 2003, the Commission preliminarily categorized these applications as ratesetting, and preliminarily determined that hearings were not necessary. No protest has been received. Given this status, public hearing is not necessary, and it is not necessary to alter the preliminary determinations made in Resolution ALJ 176-3117.

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Pub. Util. Code § 311(g)(2), the otherwise applicable 30-day period for public review and comment is being waived.

Assignment of Proceeding

Richard Clark is the assigned Examiner in this proceeding.

Findings of Fact

1. Applicant is currently authorized to operate as a PSC to transport passengers and their baggage pursuant to D.90-04-014 and D.90-06-040 on an on-call basis between certain points in Los Angeles, Orange, Ventura, Riverside, and San Bernardino Counties, on the one hand, and LAX, BUR, LGB, and SNA, on the other hand; and on an "on-call scheduled basis" between hotels in downtown Los Angeles and LAX .

2. The application, as amended, requests authority to extend the PSC certificate to include transportation of passengers and their baggage on a scheduled basis between points in and around Buena Park and Anaheim, on the one hand, and LAX, on the other hand.

3. Applicant has the financial ability to initiate and operate the additional service it is requesting.

4. Public convenience and necessity requires the proposed service.

5. No protest to the application has been filed.

6. A public hearing is not necessary.

7. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

Conclusions of Law

1. Public convenience and necessity has been demonstrated and the application, as amended by letter of November 26, 2003, should be granted.

2. Since the matter is uncontested, the decision should be effective on the date it is signed.

3. Only the amount paid to the State for operative rights may be used in rate fixing. The State may grant any number of rights and may cancel or modify the monopoly feature of these rights at any time.

O R D E R

IT IS ORDERED that:

1. The certificate of public convenience and necessity (CPCN) granted to L. A. Top Shuttle, Inc. (Applicant), a corporation, authorizing it to operate as a passenger stage corporation (PSC), as defined in Pub. Util. Code § 226, to transport persons and their baggage, between the points and over the routes set forth in Appendix PSC-6235 of Decision 90-04-014, as amended, is further amended by replacing First Revised Page 4 with Second Revised Page 4, subject to the conditions contained in the following paragraphs.

2. Applicant shall:

- a. File a written acceptance of this certificate within 30 days after this order is effective.
- b. Establish the authorized service and file tariffs and timetables within 120 days after this order is effective.
- c. Designate in its timetables for scheduled service not less than three points where vehicles will stop on every trip. Other points may be designated as "flag stops" where vehicles will stop only when there has been a request for service.
- d. File tariffs on or after the effective date of this order. They shall become effective ten days or more after the effective date of this order, provided that the Commission and the public are given not less than ten days' notice.
- e. Comply with General Orders Series 101 and 158, and the California Highway Patrol (CHP) safety rules.
- f. Comply with the controlled substance and alcohol testing certification program pursuant to Pub. Util. Code § 1032.1 and General Order Series 158.
- g. Remit to the Commission the Transportation Reimbursement Fee required by Pub. Util. Code § 423 when notified by mail to do so.
- h. Comply with Pub. Util. Code §§ 460.7 and 1043, relating to the Workers' Compensation laws of this state.
- i. Enroll all drivers in the pull notice system as required by Section 1808.1 of the Vehicle Code.

3. Applicant is authorized to begin operations on the date that the Consumer Protection and Safety Division mails a notice to Applicant that its evidence of insurance and other documents required by Ordering Paragraph 2 have been filed with the Commission and that the CHP has approved the use of Applicant's vehicles for service.

4. Before beginning service to any airport, Applicant shall notify the airport's governing body. Applicant shall not operate into or on airport property unless such operations are authorized by the airport's governing body.

5. The CPCN to operate as PSC-6235, granted herein, expires unless exercised within 120 days after the effective date of this order.

6. The Application, as amended by letter of November 26, 2003, is granted as set forth above.

7. This proceeding is closed.

This order is effective today.

Dated January 8, 2004, at San Francisco, California.

MICHAEL R. PEEVEY

President

CARL W. WOOD

LORETTA M. LYNCH

GEOFFREY F. BROWN

SUSAN P. KENNEDY

Commissioners

SECTION 2. SERVICE AREA DESCRIPTIONS. (continued)
Disneyland Service area included in Orange County service area.

SECTION II. ROUTE DESCRIPTIONS.

Route 1 – On-call Scheduled Service – Downtown Los Angeles -LAX
Commencing at hotels in downtown Los Angeles, then over the most convenient streets, expressways, and highways to LAX.

Route 2 – Door-to-Door, On-Call Service
Commencing at any point within the authorized service area, described in Section 2 then over the most convenient streets, expressways, and highways to LAX, BUR, LGB, or SNA.

SCHEDULED SERVICE

*Route 3 – Buena Park/Anaheim – LAX
Commencing from hotels in Buena Park and Anaheim, and hotels on or within ½ mile of Harbor Blvd., north of Lampson Ave., in Garden Grove, then over the most convenient streets, expressways, and highways to LAX.